

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

BRIAN BOWEN II,

Plaintiff,

v.

ADIDAS AMERICA, INC., JAMES GATTO,
MERL CODE, CHRISTIAN DAWKINS,
MUNISH SOOD, THOMAS GASSNOLA,
and CHRISTOPHER RIVERS,

Defendants.

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Civil Action No. 3:18-cv-03118-JFA

**DEFENDANT, MUNISH SOOD,
ANSWER TO PLAINTIFF’S
AMENDED COMPLAINT**

NOW COMES Defendant, Munish Sood, by and through his undersigned

counsel, and for his answer to Plaintiff’s Amended Complaint, states as follows:

I. INTRODUCTION

1. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

2. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

3. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

4. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

5. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

6. Defendant, Munish Sood, neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims and leaves Plaintiff to its strictest proofs.

7. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

8. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

9. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

10. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

II. JURISDICTION AND VENUE

11. The allegations in this paragraph constitute purported conclusions of law to which no responsive pleading is required and, therefore, such allegations are denied.

12. The allegations in this paragraph constitute purported conclusions of law to which no responsive pleading is required and, therefore, such allegations are denied.

13. The allegations in this paragraph constitute purported conclusions of law to which no responsive pleading is required and, therefore, such allegations denied.

III. PARTIES

14. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

15. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

16. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

17. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

18. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

19. Admitted in part, denied in part. Defendant, Munish Sood, admits that he is a citizen of the United States and admits that he was arrested and pled guilty. Defendant denies the remaining allegations. For the matter referenced in this paragraph, Mr. Sood's

sentence did not include custody, supervised release, or probation and his sentence was limited to a modest financial penalty.

20. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

21. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

IV. FACTUAL BACKGROUND

A. The NCAA's \$20,000,000,000 Product

22. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

23. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

24. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

25. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

26. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

27. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

28. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

B. Amateurism is the Core of the NCAA's product

29. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

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39. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

C. The \$2 billion Sneaker Industry

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73. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

74. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

D. The “University of Adidas at Louisville”

75. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

76. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

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83. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

84. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

V. SDNY CRIMINAL INVESTIGATION

85. Admitted in part, denied in part. Defendant, Munish Sood, admits that he was arrested. Defendant denies the remaining allegations.

86. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

87. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

88. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

89. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

90. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

91. Defendant admits that he was charged. Defendant neither admits nor denies the remaining allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

92. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

93. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

94. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

95. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

96. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

97. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

98. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

99. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

100. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

101. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

102. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

VI. OVERVIEW OF DEFENDANTS' RACKETEERING ACTIVITY

A. The Adidas "Black Ops" Bribery Enterprise

a. Adidas Infiltrates Amateur Athletics

103. The allegations in this paragraph constitute purported conclusions of law to which no responsive pleading is required and, therefore, such allegations are denied. After reasonable investigation, Defendant is without knowledge or information sufficient to determine what is meant by Plaintiff's use of the phrase "at all relevant times" and, therefore, such allegations are denied.

104. Denied.

105. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

106. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

107. Denied.

108. Defendant denies the allegations as it relates to “Athlete Advisor Participants.” Defendant neither admits nor denies the remaining allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

109. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

110. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

111. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

112. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

113. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims

114. The allegations in this paragraph constitute purported conclusions of law to which no responsive pleading is required and, therefore, such allegations are denied.

115. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

116. Defendant denies this allegations as it pertains to “Athlete Advisor participants,” and neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

117. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

B. The Adidas Bribery Enterprise Engaged in a Pattern of Racketeering Activity

118. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

119. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

120. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

121. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

122. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

123. Defendant admits that the quote taken from his plea hearing is accurate. Defendant denies the characterization of the quote in this paragraph. Defendant neither admits nor denies the remaining allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

124. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

125. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

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135. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

136. The allegations in this paragraph constitute purported conclusions of law to which no responsive pleading is required and, therefore, such allegations are denied.

137. The allegations in this paragraph constitute purported conclusions of law to which no responsive pleading is required and, therefore, such allegations are denied.

138. The allegations in this paragraph constitute purported conclusions of law to which no responsive pleading is required and, therefore, such allegations are denied.

139. The allegations in this paragraph constitute purported conclusions of law to which no responsive pleading is required and, therefore, such allegations are denied.

140. The allegations in this paragraph constitute purported conclusions of law to which no responsive pleading is required and, therefore, such allegations are denied.

141. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

142. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

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199. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

200. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

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208. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

209. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

210. Admitted in part, denied in part. Defendant admits that he was asked to make an initial payment. Defendant denies the characterization of the payment. Defendant neither admits nor denies the remaining allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

211. Admitted in part, denied in part. Defendant admits that he participated in the phone call referred to in this paragraph. Defendant denies the characterization of this phone call.

212. Admitted in part, denied in part. Defendant admits that he received an envelope containing cash. Defendant neither admits nor denies the remaining allegations in

this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

213. Admitted.

214. Admitted in part, denied in part. Defendant admits that text messages were sent to Bowen, Sr., and admits that he spoke to Dawkins. Defendant denies the characterization of those communications.

215. Admitted in part, denied in part. Defendant admits that he participated in the phone call referred to in this paragraph. Defendant denies the characterization of this phone call.

216. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

217. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

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220. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

221. Admitted.

222. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

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273. Defendant neither admits nor denies the allegations in this paragraph because Defendant, Munish Sood, lacks information and knowledge sufficient to form a belief as to the truth of the claims.

COUNT I

274. No response is required.

275. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

276. Denied.

277. After reasonable investigation, Defendant is without knowledge or information sufficient to determine what is meant by Plaintiff's use of the phrase "at all relevant times" and , therefore, such allegations are denied. Furthermore, the allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

278. After reasonable investigation, Defendant is without knowledge or information sufficient to determine what is meant by Plaintiff's use of the phrase "at all relevant times" and , therefore, such allegations are denied. Furthermore, the allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

279. After reasonable investigation, Defendant is without knowledge or information sufficient to determine what is meant by Plaintiff's use of the phrase "at all relevant times" and , therefore, such allegations are denied. Furthermore, the allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied. Denied.

280. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

281. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

282. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

COUNT II

283. No response is required.

284. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

285. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

286. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

287. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

288. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

289. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

290. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

COUNT III

291. This count is not directed toward Defendant, therefore, no response is required.

292. This count is not directed toward Defendant, therefore, no response is required.

293. This count is not directed toward Defendant, therefore, no response is required.

294. This count is not directed toward Defendant, therefore, no response is required. This count is not directed toward Defendant, therefore, no response is required

295. This count is not directed toward Defendant, therefore, no response is required.

296. This count is not directed toward Defendant, therefore, no response is required.

297. This count is not directed toward Defendant, therefore, no response is required.

298. This count is not directed toward Defendant, therefore, no response is required.

299. This count is not directed toward Defendant, therefore, no response is required.

COUNT IV

300. No response is required.

301. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

302. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

303. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

304. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

305. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

306. The allegations in this paragraph are conclusions of law to which no response is required and, therefore, are denied.

**FURTHER ANSWERING THE AMENDED COMPLAINT
AND AS A FURTHER DEFENSE THERETO:**

307. Plaintiff's Amended Complaint fails to state a claim upon which relief can be granted as to Defendant, Munish Sood.

**FURTHER ANSWERING THE AMENDED COMPLAINT
AND AS A FURTHER DEFENSE THERETO:**

308. Plaintiff's causes of action against Defendant, Munish Sood brought pursuant to the provisions of the Racketeer Influenced and Corrupt Organizations Act (RICO) fail inasmuch as Plaintiff cannot establish that Defendant engaged in an enterprise that conducted racketeering activity.

**FURTHER ANSWERING THE AMENDED COMPLAINT
AND AS A FURTHER DEFENSE THERETO:**

309. Plaintiff's causes of action against Defendant, Munish Sood brought pursuant to the provisions of the Racketeer Influenced and Corrupt Organizations Act (RICO) fail inasmuch as Plaintiff cannot establish the requisite predicate acts on the part of Defendant.

**FURTHER ANSWERING THE AMENDED COMPLAINT
AND AS A FURTHER DEFENSE THERETO:**

310. Plaintiff's causes of action against Defendant, Munish Sood brought pursuant to the provisions of the Racketeer Influenced and Corrupt Organizations Act (RICO) fail because Plaintiff lacks standing to sue under the provisions of 18 U.S.C. § 1964(c).

**FURTHER ANSWERING THE AMENDED COMPLAINT
AND AS A FURTHER DEFENSE THERETO:**

311. Plaintiff's causes of action against Defendant, Munish Sood brought pursuant to the provisions of the Racketeer Influenced and Corrupt Organizations Act (RICO) are barred by the doctrine and principle of "*in pari delicto*."

**FURTHER ANSWERING THE AMENDED COMPLAINT
AND AS A FURTHER DEFENSE THERETO:**

312. Defendant, Munish Sood, hereby gives notice that he intends to rely upon such other affirmative defenses as may become available or apparent during the course of this litigation and, therefore, reserves his right to amend his Answer to assert such defenses.

RELIEF REQUESTED

WHEREFORE, Defendant respectfully requests this Court dismiss the Amended Complaint with prejudice, grant judgment in favor of Defendants on all claims, and award Defendant the reasonable costs of this action, including reasonable attorneys' fees wrongly incurred.

DEMAND FOR JURY TRIAL

WHEREFORE, Defendant hereby relies on the jury demand of the Plaintiff.

Dated: April 16, 2020

Respectfully submitted,

s/ Wilbur E. Johnson

Wilbur E. Johnson, Federal ID No. 2212

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Counsel for Defendant Munish Sood

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2020, a true and correct copy of the above and foregoing document has been electronically filed with the Clerk of the Court using the CM/ECF system which sends notice of filing to all counsel of record.

s/ Wilbur E. Johnson

Wilbur E. Johnson